



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Mary Peterson
Planning and Preparedness, North Section
Superfund Division
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101

**SUBJECT: State of Kansas Applicable or Relevant and Appropriate Requirements for a
Time-Critical Removal Action
Standard Products Site, 650 E. Gilbert, Wichita, Kansas**

Dear Ms. Peterson:

The Kansas Department of Health and Environment – Bureau of Environmental Remediation (KDHE-BER) has prepared this letter in response to your request for a potential list of the State of Kansas Applicable or Relevant and Appropriate Requirements (ARARs) for the Standard Products Site in Wichita, Kansas. The State of Kansas potential ARARs are enclosed as Table 1. Should the U.S. Environmental Protection Agency (EPA) encounter unexpected or changed conditions at the site during the time-critical removal, a revised set of ARARs may need to be developed. KDHE-BER understands that the initial removal action contemplated by the *Action Memorandum* will be conducted at the Guerrero property at 920 S. St. Francis St., Wichita, Kansas, with removal action at the Standard Products Site to occur at a date to be determined. Due to the elevated gamma survey results obtained by EPA and KDHE-BER on the Standard Products Site and at select adjacent properties, KDHE-BER requests that EPA also conduct a gamma survey of the property(ies) located immediately adjacent to the west-central/northwest portion of the Standard Products Site (as shown on the enclosed Figure 1).

Please let me know if you require any additional information. You may contact me at (785) 291-3066 or at sbryant@kdheks.gov.

Sincerely,

Steve Bryant
Professional Geologist
Remedial Section/Site Remediation Unit
Bureau of Environmental Remediation



Enclosure

c: E. Jean Underwood → Rick Bean → file Standard Products Site (C2-087-72288-01)
Kyle Parker, KDHE SCDO; Randy Schademann, U.S. EPA Region 7

TABLE 1
ARARs AND TBCs PERTINENT TO THE LaRAY DIALS SITE REMOVAL ACTION

Citation	Description	Category	Summary
Action and/or Chemical-Specific ARARs			
K.A.R 28-35-1 to 28-35-363	Radiation	Applicable	Regulations require registration of radiation producing devices and licensing of sources of radiation. Provides standards for protection against radiation.
K.A.R. 28-31-1 to 28-31-16	Hazardous Waste Management Standards and Regulations	Potentially Applicable	Applicable if hazardous wastes are generated at the site.
K.S.A. 65-34a	Central Interstate Low-Level Radioactive Waste Commission Export Permit	Applicable	Permit to export low-level radioactive waste from the Central Interstate Low-Level Radioactive Waste Commission Compact region (Arkansas, Kansas, Louisiana, and Oklahoma)
40 CFR 268	Land Disposal Restrictions	Potentially Applicable	Any contained-in environmental media subject to RCRA. Proposed remedial alternative not anticipated to generate hazardous waste or trigger land disposal restrictions.
K.A.R. 28-16-28	Storm Water Runoff for Construction Activities	Potentially Applicable	Applicable if the storm water comes into contact with construction activity or if the selected remedy involves discharge of treated water to surface waters.
49 USC § 5101 et seq.	Federal Hazardous Materials Transportation Law	Relevant and appropriate	Applicable if hazardous materials are transported to or from the site.
40 CFR 261	Standards for Identification and Listing of Hazardous Waste	Applicable	Applicable for identifying hazardous wastes.
40 CFR 262	Standards Applicable to Generators of Hazardous Waste	Applicable	Applicable if hazardous waste is generated at the site.
40 CFR 263	Standards Applicable to Transporters of Hazardous Waste	Applicable	Applicable if hazardous waste is disposed off site.
40 CFR 264.70 to 264.77	Manifesting, Record Keeping, and Reporting Requirements	Potentially Applicable	Applicable if site activities are analogous to hazardous waste facility activities.
40 CFR 264.110 to 264.120	Closure and Post Closure Requirements	Potentially Applicable	Applicable upon the closure and post closure of a hazardous waste facility.
40 CFR 266	Storage, Treatment, Transportation and Disposal of Mixed Waste	Potentially applicable	This final rule conditionally exempts from RCRA hazardous waste management low-level mixed wastes during storage and treatment.
40 CFR 300.400	Amendment to the NCP; Procedures for Planning and Implementing Off-Site Response Action: Final Rule	Applicable	Applies to any remedial or removal action involving the off-site transfer of any hazardous substance, or pollutant or contaminant (CERCLA wastes) that is conducted by EPA, States, private parties, or other Federal agencies, if the action is Fund-financed or is taken pursuant to any CERCLA legal authority.
K.A.R. 28-29-1 to 28-29-121 and K.A.R. 28-29-2101 to 28-29-2113	Solid Waste Management	Potentially Applicable	Applicable if solid waste will be generated, stored, or disposed at the site.
Location-Specific ARARs			
K.S.A. 65-1, 221 to 1,235	Environmental Use Controls	Potentially Applicable	Legal mechanism and associated application process for imposing restrictions, prohibitions and conditions on land use for property with residual contamination at levels prohibiting unrestricted use.

TABLE 1 (CONTINUED)
To Be Considered (TBC)

Citation	Description	Category	Summary
#BER-RS-005.	Evaluating Future Land Use	To Be Considered	Future land use influences the types and frequencies of exposures that may occur to any residual contamination remaining on the site and therefore must be considered in making corrective action decisions.
#BER-RS-031	Removal Site Evaluation (RSE)/Removal Action Design (RAD)/Removal Action (RA)	To Be Considered	Establishes a management strategy and general framework for implementation of removal action activities at sites under various state cleanup programs.
#BER-RS-033	Considerations for Remedial Standards	To Be Considered	Identifies remedial standards and situations where they should be used.
#BER-RS-048	Consideration and Selection of Borrow Sites	To Be Considered	Provides guidance for the evaluation of conditions and suitability of borrow materials.
RSK Manual	KDHE-Bureau of Environmental Remediation (BER), Risk Based Standards for Kansas, March 1, 2003, as amended	To Be Considered	Compiles risk-based cleanup screening goals for contaminants in soil and groundwater.
#EPA530-F-98-026, October 1998	Management of Remediation Waste under RCRA	To Be Considered	Describes management of contaminated environmental media, among other issues.
#EPA530-R-97-007, May 1997	Best Management Practices (BMPs) for Soils Treatment Technologies	To Be Considered	Describes various BMPs during remedy implementation (e.g., fugitive dust control).
#EPA832-R-92-005, October 1992	Storm Water Management for Construction Activities	To Be Considered	Describes storm water pollution prevention measures.

Approximate area for requested gamma survey

920 S.
St Francis

